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8	BEFORE THE	
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against: Case No. 2010 - 200	
12	DOUGLAS MICHAEL REES 9029 N. W. 79th Terrace A C C U S A T I O N	
13	Yukon, Oklahoma 73099	
14	Registered Nurse License No. 703545	
15	Respondent.	
16		
17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her	
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),	
21	Department of Consumer Affairs.	
22	Registered Nurse License	
23	2. On or about May 16, 2007, the Board issued Registered Nurse License Number	
24	703545 to Douglas Michael Rees ("Respondent"). The registered nurse license was in full force	
25	and effect at all times relevant to the charges brought herein, expired on August 31, 2008, and has	
26	not been renewed.	
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28	///	
	1	
))	Accusation)	

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
- 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
 - 6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. C	ode section 125.3 provides, in pertinent part, that the Board may request the	
administrative	e law judge to direct a licentiate found to have committed a violation or violations of	
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and		
enforcement o	of the case.	

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CAUSE FOR DISCIPLINE

(Out-Of-State Discipline)

- 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent has had the health care professional licenses he holds in other states disciplined, as follows:
- a. Effective May 2, 2008, pursuant to the Final Consent Order filed by the State of New Jersey, Department of Law & Public Safety, Division of Consumer Affairs, State Board of Nursing ("New Jersey Board"), Respondent voluntarily surrendered his New Jersey Nursing License No. NR89637, with such surrender to be deemed a revocation. The basis for surrender was the fact that the Board was notified that Respondent failed to appear for a drug screening in California. Further, the New Jersey Board believes Respondent may not be capable for medical or other reasons, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare, inasmuch as Respondent advised the New Jersey Board that he was suffering from certain health problems which affect his ability to work.
- b. Effective November 14, 2007, pursuant to a Stipulation, Settlement and Order entered into by Respondent and the Oklahoma Board of Nursing ("Oklahoma Board"), Respondent voluntarily surrendered his Oklahoma Nursing License No. RN0059194. The basis for the Stipulation, Settlement and Order was that the Oklahoma Board was notified that Respondent failed to appear for a drug screening in California. The stipulation was executed by Respondent for the purpose of avoiding further administrative action with respect to this cause.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 703545, issued to Douglas Michael Rees;
- 2. Ordering Douglas Michael Rees to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: 10/8/09

LOUISE R. BAILEY, M.Ed., RN

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

State of California Complainant

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